Case	2:15-cv-01801-PSG-AJW D	ocument 103-2 #:1869	Filed 11/18/16	Page 1 of 3 Page ID
1 2 3 4 5 6 7 8	SCOTT M. VOELZ (S.B. svoelz@omm.com DANIEL J. FARIA (S.B. dfaria@omm.com O'MELVENY & MYERS 400 South Hope Street Los Angeles, California 9 Telephone: (213) 430-600 Facsimile: (213) 430-640 Attorneys for Defendants Millennium Products, Inc.	#285158) LLP 0071-2899 00 07		
9	UNIT	TED STATES	DISTRICT CO	DÚRT
10	CENTRAL DISTRICT OF CALIFORNIA			
12			G 11 15 C	V. 1001 PGC A W.
13	JONATHAN RETTA, et a			V-1801-PSG-AJW
14 15	Plaintiffs, v. MILLENNIUM PRODUCTS, INC., et al., Defendants.		DECLARATION OF GT DAVE IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT	
16		715, INC.,	Judge: Hon. P	hilip S. Gutierrez
17		lants.	FAC Filed: June 22, 2016	
18			Trial Date: No	ot Set
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28			DAVE	DECLARATION ISO MOT. FOR

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DECLARATION OF GT DAVE

- I, George Thomas "GT" Dave, hereby declare and state as follows:
- I am the founder of Millennium Products, Inc. ("Millennium") and have been its Chief Executive Officer since 1994. I submit this declaration in support of preliminary approval of the Stipulation of Class Action Settlement in the above-captioned action. I have personal knowledge of the facts stated herein and could testify to them if called upon to do so.
- Millennium is the manufacturer of the "GT's Classic Kombucha" and "GT's Enlightened Kombucha" products at issue in this action ("Products").
- Millennium is a manufacturer of kombucha beverages and, with few 3. exceptions, does not ship and/or distribute such beverages for resale directly to retailers. Instead, Millennium ships and/or distributes products to third-party distributors, who in turn receive and process purchase orders and ship Millennium products to retailers. These third-party distributors ship products to many different combinations of states and do not provide Millennium with records sufficient to show to what states Millennium products were shipped and when. As a result, Millennium does not have business records sufficient to show which specific Products were sold in any particular state at any given time.
- 4. As a manufacturer and not a retailer, Millennium does not set the retail price for the Products. Within the exception of a few local stores who receive shipments of the Products directly from Millennium, Millennium sells the Products to distribution companies who subsequently ship them to downstream retailers nationwide. These downstream retailers set the retail price for the Products.
- Based on my observation of sales trends for the Products, in my 5. capacity of the Chief Executive Officer of Millennium, the retail price of the Products has varied significantly over time and between states, and even within stores in the same market due to varying promotions offered by retailers.

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1	6. Based on my observation of sales trends for the Products, in my				
2	capacity of the Chief Executive Officer of Millennium, the retail price of the				
3	Products has generally varied between \$2.99 and \$3.99 throughout the class period				
4	for this action (which I am informed is March 2011 through present).				
5	7. Based on my review of Millennium's records, including sales records				
6	produced to Plaintiffs in discovery, Millennium has sold approximately				
7	274,715,600 units of the Products at issue in this Action since March 2011.				
8	I declare under penalty of perjury that the foregoing is true and correct to the				
9	best of my knowledge, information, and belief.				
10	Executed this At day of November, 2016 at Vernon, California.				
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12	GT Dave				
13	G1 Dave				
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